

# **A HUMAN RIGHTS ISSUE: WOMEN'S INABILITY TO STAND AS SURETY IN NIGERIA.**

## **Artist's Statement**

The proposal "A human rights issue: women's inability to stand as surety in Nigeria," was written as the final project for my Writing About Public Problems class taught by Dr Barbara George at Carnegie Mellon University. The course challenges students to write a change proposal that recommends a solution and a feasible plan for solving a real problem in the world.

During the COVID-19 pandemic, I became aware of the injustice that women faced when trying to exercise their rights to stand as surety in Nigeria. As a Nigerian woman myself, I felt the restrictions the practice placed on my fundamental human rights. I therefore wrote this essay to express my outrage and propose a solution that would grant greater freedom to the over 100 million women living in Nigeria.

## **Executive Summary**

The way police officers are educated in Nigeria should be amended to address women's rights issues, particularly women's right to stand as surety. A surety is someone who bails out an accused person and agrees to supervise them while they are released into the community on bail waiting for their criminal matter to be resolved in court.

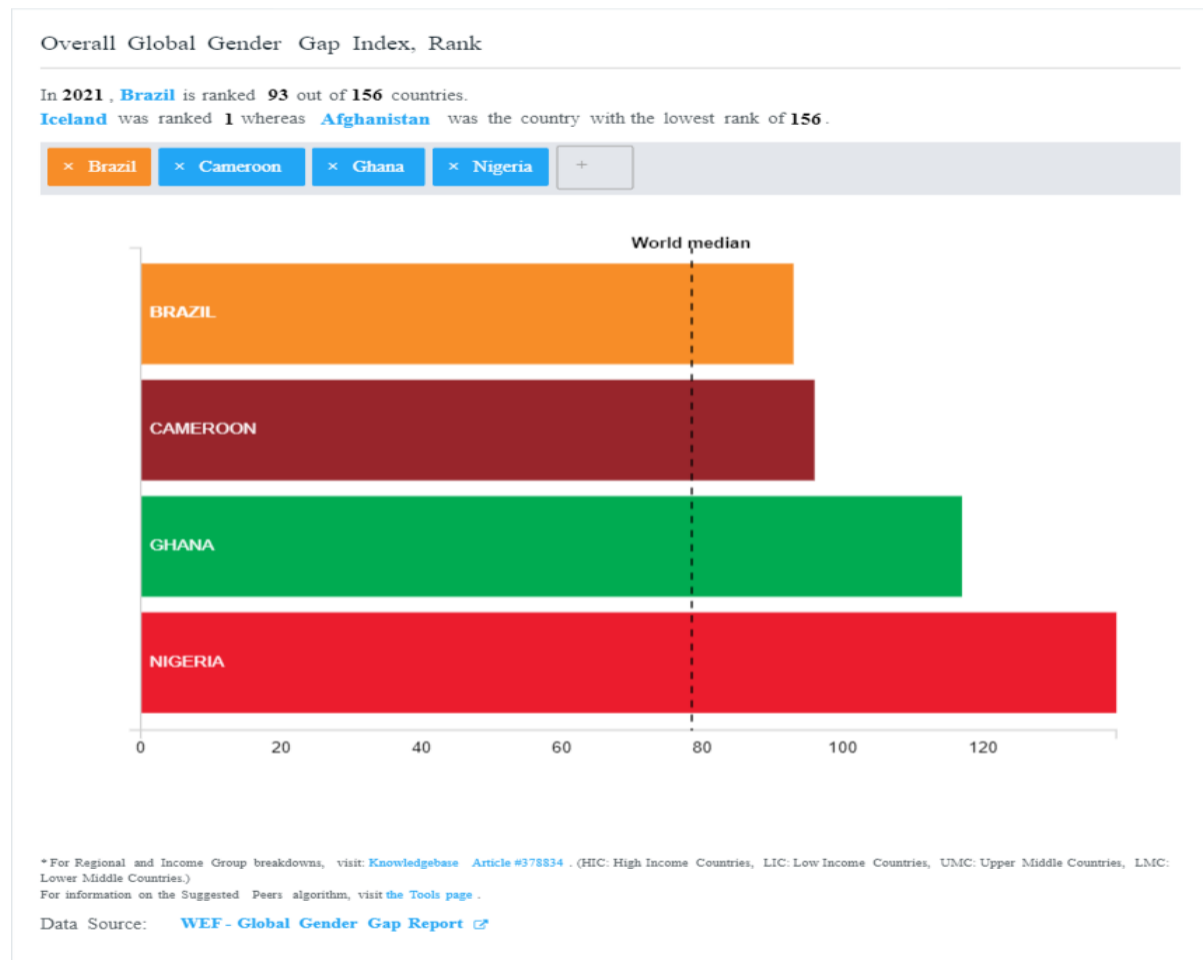
Police officers should be required to be knowledgeable on the details of the constitution prior to assuming office. This could be implemented by introducing a course which focuses solely on police officers "knowing" the law. This course should cover prevalent issues like gender bias and police brutality in Nigeria. Due to the large scope of the project, the change can first be implemented in a singular police training school. Afterwhich, its feasibility and effectiveness can be analyzed by the training facility's board to be introduced around the country.

## **Background**

### *Nigeria's history of gender discrimination*

Nigeria has a history of gender bias with "numerous discriminatory laws, religious and cultural practices, societal norms favoring men, gender stereotypes, low levels of girl-child education, and the disproportionate effect of poverty on women" in both its past and present (Ewang). In fact, Nigeria has a low rank of 139 out of 156 countries in the World Economic Forum Gender Gap Index ("Overall Global Gender Gap Index").

As depicted by Figure 1 (below), Nigeria has a low rank even when compared to other developing nations, showing that it is far behind the gender equality level of its peers. With the understanding that Nigeria is a patriarchal society, issues pertaining to women's rights need to be specifically addressed to avoid sexual discrimination.



<https://tcdata360.worldbank.org/indicators/af52ebe9>

Figure 1: Overall Global Gender Gap Index, Rank - Brazil, Cameroon, Ghana and Nigeria (The World Bank).

This low rank reinforces the fact that there is a desperate need for immediate action if Nigeria wants to catch up with other developing countries in respect to gender equality.

### *Nigeria's Sustainable Development Goal 5: gender equality*

While Nigeria's commitment to reducing gender inequality is clear, it is a long way from achieving its goal. The United Nations Development Programme identifies Nigeria's 5th Sustainable Development Goal as gender equality. There has been remarkable progress seen in recent years with the employment of more progressive social practices, such as: increased efforts to educate the female population; a rise of women in the workforce and managerial positions; and an expansion in women empowerment efforts across the country. These include workshops for women and female students for jobs women typically do in Nigeria (hairdressing, tailoring) that can give them a source of income ("Nigeria Sustainable Development Goal 5: Gender Equality"). However, more work still needs to be done.

Revising the education given to police officers can help further Nigeria's efforts to reduce the gender gap in the country. This is because when officers become more aware of women's fundamental human rights they will be less likely to violate them. More often than not, women are discriminated against in Nigeria due to an ignorance of the law coupled with beliefs passed on from the cultural and societal norms (Okunola, 2021).

## **Problem**

Despite it being the 21st century, many women in Nigeria are still being denied their fundamental right to post bail and act as surety. A surety is someone who (usually) bails out an accused person and agrees to supervise them while they're released into the community on bail waiting for their criminal matter to be resolved in court.

In 2015, The Criminal Justice Act passed by the Nigerian National Assembly allowed women the right to stand as surety. While this new law has been domesticated in most states of the federation, it is not actually being put into practice. Everyday, women around Nigeria are still being turned back at police stations by officers stating that the law prevents them from posting bail as seen in the following twitter statements:

- "I'm at a police station and a lady came to bail her husband. She has been told that she should get a male to sign because a woman cannot bail a male in custody" (Latunji).
- "A woman was begging me to bail her husband that I don't know because, as a woman, she can't bail her husband out" (Latunji; See Figure A).
- "It happened to me once. A male friend of mine had to bike down" (Ebube).
- "Why do you sound surprised? I have experienced it before when a lady asked me to help her bail out her brother because the police told her that **only a man can bail out** her brother" (We The People).



Figure A: Twitter Screenshot

The statements detail an eyewitness account at a police station where officers deny a woman her right to post bail and the twitter discussion that follows the post. Out of desperation, the victim is forced to beg the eyewitness, a male stranger, to bail out her husband.

However, the officers' claim that women cannot stand as surety is false. While it is true that women were unable to stand as sureties in the past, the outdated law was amended in 2015 when the Administration of Criminal Justice Act (ACJA) was passed by the Nigerian National Assembly. Section 167 of the ACJA 2015 succinctly states that surety should not be denied on the "ground only that the person is a woman." Section 167 (3) of ACJA 2015 also contributes to this, by saying: "A person shall not be denied, prevented or restricted from entering into a recognizance or standing as surety for any defendant or applicant on the ground only that the person is a woman."

Therefore, denying women the right to stand as surety is an injustice that results from Nigerian law enforcement's failure to adapt to the current progressive laws. Although the instruction manual used to train officers is not publicly available, an improper education on the constitution could be the cause of this problem (Ukwuma, 2022).

### *Policy vs Practice*

Although the Administration of Criminal Justice Act passed in 2015 grants women the civil right to stand as surety, this is often not practiced in various police stations in Nigeria. Despite the emergence of new laws, no effort has been made by the government to reeducate officers and ensure the implementation of the ACJA 2015. According to an interview with Michael Ukwuma, CAPIO Research and Communications Officer, there are no severe consequences for officers who do not abide by the new law; therefore, there is no incentive for them to correct their behavior because they can easily get away with it. This is in line with the lack of consequence for a variety of miscarriages of justice within the Nigerian police force (Onuoha, Freedom et. al.,30).

### *Gender Norms Die Hard*

While it is possible that some officers trained after 2015 may not deny women their right to stand as surety, the majority of the law enforcement population was trained prior to the **2015 Administration of Criminal Justice Act**. According to an interview with Michael Ukwuma,

CAPIO Research and Communications Officer, older police officers are not receptive to the changes brought about by the 2015 Act.

Instead, they have a negative orientation towards human rights issues: they believe that it is the “white man’s way to control us.” This translates to older generations’ view of women’s rights advocates as agents of neocolonialism. Therefore, they are automatically opposed to teachings about gender equality, reinstating the systemic problem of misogyny in Nigeria. Despite the passing of the law and advocacy by nonprofit organizations, no change has been recorded due to law officers’ unwillingness to change their beliefs about gender norms.

### ***Customary Law***

Many gender norms prevalent in Nigerian society originate from customary law. Customary law—often used in traditional societies in Nigeria—is the law that reflects the norms, religious beliefs, traditions and rules of behavior of the people. It is the law propelled by the worldview, beliefs, philosophies and value system of the people (Nwocha, 2016).

Numerous customary practices discriminate against women in Nigeria. For example, “customary laws of several communities impose conditions that make women access land only through male relations. More often, women are regarded as property and therefore cannot own property themselves” (Olubor, 2009). The culture and stereotype in some parts of Nigeria is that women are incapable of owning personal properties, which is often a condition for guaranteeing bail and a likely reason why women may be unable to exercise their civil right of standing as surety (Bamas, 2021).

Moreover, women married under customary law have little or no rights over their spouse’s property. Here women “are more often entitled to kitchen utensils and whatever their husbands may give to them as gifts made inter vivos” (Olubor, 2009). However, the Nigerian law requires that an individual must “have a known address” to stand as surety. Even after marriage, many women are not added to their husband’s address, thus, they do not have a “known address.” Therefore, more men fit the standards of surety, putting an unfair disadvantage on women in a society where the playing field is not level in terms of owning property. The system is rigged against women—the very laws that are meant to protect them are the ones that oppress them (Ekhtator 289-290).

### ***Ignorance/Illiteracy***

It is not unusual to hear Nigerian police officers state that they are protecting women by denying them their right to stand as surety. However, this claim is founded on ignorance of the law. Most Nigerians are not educated on the constitution or their fundamental human rights. This often results in them making unfounded statements based on cultural and religious beliefs, not the law.

Denying women their fundamental human rights does not protect them, it cages them. Women are not given the freedom to choose what is best for themselves. Instead, they are forced to live lives directed by individuals who may not even have their best interests at heart. For example, Islamic law in the Northern part of Nigeria allows a man to beat his wife (as long as no “serious injury” is sustained) as a form of discipline, therefore legalizing domestic abuse (Ekhaton 289-290). This abuse is justified using religious tenets which claim that the husband is “correcting” his wife for her best interest.

These false beliefs are then accepted by citizens who are also ignorant of the law. While these statements have not been systematically studied, below are a few representative comments written by different individuals on a Twitter thread discussing a woman’s inability to post bail:

- “I had a conversation with an officer that told me that it is actually to protect female folks” (Chelsy).
- “It is actually for the woman’s good. Nigerian police will not want to rough handle a woman if the man flees” (Gadauji).

## **Solution**

In order to combat—or at least, reduce—the amount of gender-based discrimination women face at the hands of Nigerian law enforcement, the information given to officers-in-training about the constitution needs to be reviewed. I suspect that women’s rights issues like standing surety are not addressed in the education given. However, acknowledging that Nigeria is a patriarchal society, issues pertaining to women need to be specifically addressed to avoid sexual discrimination.

Another solution is properly sanctioning officials who deny women their basic rights. Police officers get away with the maltreatment of women because there are no consequences for their misconduct (Ukwuma, 2022). Instead, they are aware that they can get away with denying women their fundamental rights. A system should be in place where women and coworkers can anonymously report any infringements on women’s rights at each station. Moreover, sanctions like suspensions coupled with mandatory gender equality training should be imposed on those at fault.

Similarly, the Nigerian government needs to invest more in educating the public on its laws, particularly new laws as they emerge. More often than not, after bills are signed into laws, no changes are recorded. This is because the general public is usually unaware of the new law. According to an interview with Michael Ukwuma, CAPIO Research and Communications Officer, the Nigerian government does not dedicate any of its resources to creating public awareness of its laws. Consequently, this responsibility is carried out by private organizations and nonprofits which are typically underfunded so are limited in their outreach. While the

Nigerian government funds public awareness campaigns that are typically focused on dissuading bad habits like smoking and alcoholism, some of the resources can be allocated to communicating the new laws through posters or visuals on roadside billboards and in the police stations.

Finally, existing women's rights advocacy groups need to include women's inability to stand as surety as part of their campaign. While groups like Women Consortium of Nigeria (WOCON), Women Impacting Nigeria Foundation (WIN), The Women's Aid Collective (WACOL) and Women Advocates Research and Documentation Center (WARDC) focus on educating the public about why women also deserve fundamental human rights, they all forget to address women's inability to stand as surety. Most Nigerians are not aware that women have this civil right. Moreover, the government can only be held accountable when citizens understand their rights. By including women's right to stand as surety in their mission, these groups create a more socially conscious society where individuals—particularly women—are unafraid to assert their rights.

### *Timeline for change*

- **June 2023**

I propose that by June 2023 a new police training manual be created by Carmelite Prisoners' Interest Organization (CAPIO), a non-profit organization that focuses on police reform in Nigeria. The manual should include research into the contents of past syllabi.

- **September 2023**

The new curriculum should be taught at The Nigerian Police Training School Ikeja in Lagos, Nigeria, for the academic year starting September 2023.

Upon completion of the academic year, the feasibility and effectiveness of the manual should be analyzed by the training facility's board.

- **2025**

If the new manual proves beneficial it should be introduced around the country by 2025.

### **Conclusion**

Amending the instruction given to officers-in-training around Nigeria to include women's rights issues brings benefits to Nigerian women and the country itself. This amendment also aligns with one of Nigeria's key Sustainable Development Goals: "gender equality" ("Nigeria Sustainable Development Goal 5: Gender Equality"). Improving the education given to Nigerian law enforcement officers demonstrates a sure and steady approach toward reducing gender bias as well as creating a safe environment for women, where they can exercise their fundamental rights.

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